

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SHANNESE GREENAWAY and KAREL
POWERY individually and on behalf of all others
similarly situated,

Plaintiffs,

-against-

APPLE-METRO, INC., d/b/a APPLEBEES; ZANE
TANKEL and ROY RAEURN,

Defendants.

Index No. 13 CV 2818(JS)(ARL)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the Declaration of Craig R. Benson, dated July 12, 2013, and all prior pleadings and proceedings herein, Apple-Metro, Inc., Zane Tankel and Roy Raeburn (hereinafter collectively “Defendants”), will move this Court, before the Honorable Joanna Seybert, U.S.D.J., at the United States Courthouse, 100 Federal Plaza, Central Islip, New York for an Order, pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(3), dismissing this case or in the alternative, for an Order staying this case, or for an Order, pursuant to Rules 42(a) of the Federal Rules of Civil Procedure, consolidating this case with the related case *Marin v. Apple-Metro, Inc., et al.*, Civil Action No. 12–CV–05274 (ENV)(CLP).

PLEASE TAKE FURTHER NOTICE that, opposition papers, if any, must be served in accordance with Rule 6.1(b) of the Local Rules of the Southern and Eastern Districts of New York.

Date: July 12, 2013
New York, New York

/s/ Craig R. Benson

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